

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT OF)	
INFORMATION FILED WITH SOUTH CENTRAL)	CASE NO. 95-318
BELL TELEPHONE COMPANY'S PROPOSED)	
CONTRACT WITH THE CITY OF LOUISVILLE)	

O R D E R

This matter arising upon petition of BellSouth Telecommunications Inc., d/b/a South Central Bell Telephone Company ("South Central Bell"), filed July 24, 1995, pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost support data developed in connection with a special service arrangement with the City of Louisville for the provision of Anonymous Call Rejection on the City's Digital ESSX® system on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury, and it appearing to this Commission as follows:

South Central Bell has contracted with the City of Louisville to provide Anonymous Call Rejection Service on the City's Digital ESSX® system. Although this feature is currently offered in South Central Bell's tariff, it is not available to ESSX® subscribers.

In support of its application to approve the agreement, South Central Bell has provided cost data which it seeks to protect as confidential.

The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central Bell except to those employees who have a legitimate business need

to know and act upon the information. South Central Bell seeks to preserve and protect the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That subsection of the statute exempts several categories of information. One category exempted in paragraph (c)1 of that subsection is commercial information confidentially disclosed to the Commission which if made public would permit an unfair commercial advantage to competitors of the party from whom the information was obtained. To qualify for the exemption, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

South Central Bell's competitors for ESSX® Service are providers of PBX equipment. Disclosure of this information would enable competitors to determine South Central Bell's cost and contribution from the service which competitors could use to market their competing service to the detriment of South Central Bell. Therefore, disclosure of the information is likely to cause South Central Bell competitive injury and the information should be protected as confidential.


This Commission being otherwise sufficiently advised,


IT IS ORDERED that the cost data filed in support of the proposed contract with the City of Louisville for Anonymous Call Rejection on the City's Digital ESSX® system, which South Central Bell has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 29th day of August, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director